

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MIGUEL HERRERA,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendants.

NO. CV-10-113-RHW

**ORDER DISMISSING
COMPLAINT, WITHOUT
PREJUDICE**

Plaintiff filed his Complaint on April 13, 2010 (ECF No. 1). The Court reviewed the complaint and found that it had a number of deficiencies, but granted Plaintiff leave to amend or voluntarily dismiss his Complaint (ECF No. 5). Plaintiff was cautioned that if he failed to amend his complaint within 60 days, his complaint would be dismissed for failure to state a claim under 28 U.S.C. § 1915(e).

Plaintiff has failed to file a timely amended complaint.

Accordingly, **IT IS HEREBY ORDERED:**

1. The above-captioned case is **dismissed**, without prejudice, for failure to state a claim upon which relief may be granted.

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ORDER DISMISSING COMPLAINT, WITHOUT PREJUDICE ~ 1

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to Plaintiff, and **close the file**.

DATED this 1st day of April, 2011.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Judge

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